

FOUR-YEAR TRIAL OF HEINE TO CONTINUE

REVIEW ORDERED OF \$110,000 SUIT
AGAINST AMERICAN C.I.A. AGENT
BY ESTONIAN OFFICIAL FROM TORONTO

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TORONTO (M.D.)--"All is not lost"--these could be the words of the perennial litigant, Eric Heine of Toronto, following news on 25 July from his lawyer in Washington. The news was that the U.S. Fourth District Court of Appeals had ordered the district court in Baltimore to review the four-year-old suit by E. Heine against Heine's compatriot, the American CIA agent from Estonia, Yuri Raus, to the tune of \$110,000.

At an Estonian meeting in 1963, J. Raus branded E. Heine as a Soviet agent and explained later in court that he did this at the behest of the C.I.A. The Baltimore court acknowledged last year that the law protects J. Raus as an agent of the Central Intelligence Agency by giving him immunity against being accused of slander. With this decision, the trial ended. Now the appeals court has asked the district court to find out if the C.I.A. agent

instructing J. Raus had actually the authority to do so.

Because of the mail strike in Canada, E. Heine still has not received a copy of the opinion of the appeals court from Richmond (Va.), but he expressed the belief on 25 July that, judging from the lawyer's telephoned report, the situation has improved substantially. The retrial of the case will probably take place in Baltimore in October. "I have always had confidence in the American court and legal system," said E. Heine. "The decision at Richmond is a sign that this confidence was justified.

Chief justice K. F. Haynesworth (sp?), whose point of view was endorsed by Justice H. B. Borman, has ordered a new investigation of facts in the case, but he has at the same time upheld the right of the C.I.A. to keep secret the sources of its information in matters involving national security. J. Raus and the C.I.A. leadership referred to this in the trial. The third justice, J. B. Craven (sp?), in his, partly differing opinion has pointed out as wrong the acceptance of "general assumptions" in a situation where the opposing side cannot get information that it would normally get, to check if the privilege of "state secret" is applicable.

Such immunity, concludes Justice Craven, could lead to the use of slander as a state political weapon. In reality, this immunity is not designed to protect oppressive misuses of state power. He has also demanded that the court obtain more information from the C.I.A.

expressing the conviction that definitely a more thorough investigation of this case must be possible without revealing state secrets. .

R. Sanford, one of Heine's lawyers, declared that the basic issue of the trial was whether a citizen has the right to be protected against slander by the government: "If our case should fail in the end, its significance would be that any citizen would be subject to slander by any government institution." The plaintiff himself, who is 48 years old and works as a foreman in a Toronto factory, said that, if need be, he would take his case to the Supreme Court to clear himself but that the new decision of the appeals court had provided new hope.

Eric Heine has always categorically denied that he has ever spied on behalf of the Soviet Union; quite to the contrary, he has fought Communism all his life and with all his strength--in Estonia as well as in Canada: he took up arms against the Russians in the last war, in the period from 1940 to 1955 he spent nine years in a Soviet slave labor camp, he escaped four times and was again captured after some time. The adventures of E. Heine in the camps of Siberia, hiding out, working with the guerillas of occupied Estonia, etc., have been depicted in the novel of the Estonian author Arved Virilaid (sp?), which was also translated into English.

E. Heine succeeded in disguising himself as a German P.O.W. and in being "repatriated" to West Germany, where he was classified as a political refugee and from where he emigrated to Canada in 1957. In Canada he was an active member of the Estonian community. At the time of his denunciation by J Raus, he was the Vice Chairman of the Estonian Central Committee. J. Raus, in his turn, was a member of the U.S. Estonian Central Committee and commander of the Estonian veterans' organization. AT present, neither one nor the other is in a central Estonian office.

When J. Raus refused to retract his assertion, E. Heine began the litigation that has now lasted four years. W. F. Raborn, former director of the C.I.A., also testified during the trial in 1965 that J. Raus had received instructions to denounce E. Heine as a spy to the Estonian organizations in North America. According to statements by E. Heine's lawyer, Yuri Raus is not a secret agent of the C.I.A. at all but works presently in the department of highways in Washington.

The Estonian community in Toronto has split into two camps over the E. Heine affair: some believe him to be an outstanding fighter against Communism, even a hero, who has suffered much but who deserves much credit. Meanwhile, others are satisfied to accept the assertions of J. Raus. Heine has gained considerable publicity in the

Canadian press not only with his \$110,000 damage suit but also with his involvement in a second political trial between Estonians themselves. Heine has admitted authorship of some leaflets whose contents caused two Estonian officials in Toronto in their turn to sue Heine for slander.

But Heine's greatest popularity was an outgrowth of a third trial that took place during the Expo 67 World's Fair last year. On 6 May of that year he limned the slogan "Freedom for Estonia, Latvia, Lithuania!" (in English) with red paint on the massive representation of a sickle and hammer in front of the Soviet pavilion. Then he upended the paint can on the symbol. The press wrote extensively about the trial, in which Heine was sentenced in August to 15 days in jail. These events were reported on also in the pages of this newspaper.

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